

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 866 of 2019

State Of Chhattisgarh Through Station House Officer, Police Station
Raghunathnagar, District- Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Versus

Alwant S/o Late Shivdhari Aged About 42 Years R/o Village Aashndih,
Vivadaad, Police Station Raghunathnagar, District- Balrampur-
Ramanujganj, Chhattisgarh

---- Respondent

For State/Petitioner : Mr. Neeraj Mehta, Panel Lawyer

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

17/06/2019

Heard on application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Also heard on application for grant of leave to appeal.

1. Learned State counsel would argue that the evidence on record which includes eyewitness account shows that the deceased was assaulted by the respondent accused and sustained injury on the frontal part of his head which was also found bleeding. Even then, learned Trial Court has convicted only for commission of offence under Section 324 IPC though the cause of death was the injury sustained by the deceased as a result of criminal overt act on the part of the respondent accused.

2. We have gone through the evidence led by the prosecution which includes the medical evidence as well. Though there is evidence of respondent given assault to the deceased, the evidence of Dr. Shashank Gupta (PW8) & Dr. Vinod Kumar Singh (PW12) does not establish a link between the death and the injury sustained by the deceased on account of

assault given by the respondent accused. No fracture injury was found and the injury was simple in nature. The evidence shows that after the incident of assault, deceased died 8 months after the incident. In the absence of a medical evidence that the deceased died due to injury caused by the respondent accused, in our opinion, learned Trial Court did not commit any perversity or patent illegality in acquitting respondent accused from the charges of commission of offence under Section 302/307 IPC. The appeal has no merit and the same is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge

Rekha